

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LEMEL DETANIO HANKSTON,

Petitioner,

2:13-cv-01601-JCM-GWF

vs.

ORDER

DWIGHT NEVENS, *et al.*,

Respondents.

In this action, which is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, the court has determined that there is good cause for the petitioner, Nevada prisoner LeMel Detanio Hankston, to conduct certain discovery, to wit, testing of bullet casings found at the scene of the shooting that was the subject of his conviction. *See* Order entered April 20, 2016 (ECF No. 38).

The court is informed that the bullet casings to be tested were introduced as evidence at Hankston's 2008 trial in Nevada's Eighth Judicial District Court, as Exhibits 24 and 24-A in Case No. C236201, and that they remain in the custody of that court. In order to conduct this discovery, Hankston must make a motion in the Eighth Judicial District Court for release of the bullet casings for testing.

This court requests the Eighth Judicial District Court, upon a motion by Hankston, and in a manner consistent with its rules, policies, and practices, to release, for testing, to an expert identified

1 by Hankston's attorney the bullet casings identified as Exhibits 24 and 24-A in Case No. C236201 in
2 the Eighth Judicial District Court.

3 Hankston's attorney shall be responsible for any and all costs associated with the release of
4 the bullet casings from the Eighth Judicial District Court, and their testing, and shall coordinate the
5 transportation of the bullet casings from the Eighth Judicial District Court's evidence storage facility
6 to the expert identified to conduct the testing, and then, promptly after the testing, back to the court's
7 evidence storage facility.

8 Hankston shall file a status report in this action, no later than June 17, 2016, regarding the
9 status of this discovery. Respondents may file a response to such status report within 5 days after it
10 is filed.

11 **IT IS SO ORDERED.**

12
13 Dated May 12, 2016.

14
15 
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26